

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
Larry Darnell Robinson ) Case No: 5:02CR5-8  
Date of Previous Judgment: 7/7/03 ) USM No: 17728-058  
(Use Date of Last Amended Judgment if Applicable) ) Denzil Horace Forrester  
 ) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 31 Amended Offense Level: 31  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: 188 to 235 months Amended Guideline Range: 188 to 235 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.  
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
 Other (explain): No reduction since the original guideline calculations were based on cocaine powder, not cocaine base. Additionally, the guidelines would not have changed even if the defendant was held responsible for a quantity of crack cocaine as he was originally sentenced as a career offender.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment 7/7/03 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 17, 2008

Effective Date: December 17, 2008  
(if different from order date)



Richard L. Voorhees  
United States District Judge

